

PAUL
HASTINGS

June 17, 2022

1(202) 551-1737
bdayanim@paulhastings.com

Via ECF

Honorable Frederic Block
United State District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Kent v. PoolTogether, et al.*, No. 21-cv-6025-FB-CLP (E.D.N.Y.)

Dear Judge Block:

On behalf of all Defendants in the above-referenced matter, and in accordance with Rule 2(E) of Your Honor's Individual Motion Practices and Rules, Defendants respectfully request that oral argument be scheduled on all Defendants' pending Rule 12 motions to dismiss, motions to compel arbitration (where applicable), and motions to strike Plaintiff's class allegations.

Defendants also enclose a chart that summarizes the basis for each of Defendants' pending motions and the implications for each Defendant if granted. We offer the chart simply as an aid to the Court as it considers the multiple pleadings that have been submitted.

Respectfully submitted,

/s Behnam Dayanim

Behnam Dayanim
of PAUL HASTINGS LLP

cc: All counsel of record via ECF

ARGUMENTS IN DEFENDANTS' MOTIONS TO DISMISS, STRIKE THE CLASS ALLEGATIONS OR COMPEL ARBITRATION

Kent v. PoolTogether, 21-cv-06025-FB-CLP

	Kent Should Be Compelled to Arbitrate	Kent Lacks Article III Standing	The Court Lacks Personal Jurisdiction	GOL § 5-423 Does Not Apply to the PoolTogether Protocol	GOL § 5-423 Does Not Provide for Secondary Liability	Kent Did Not Make Any Payment or Delivery to This Defendant	The PoolTogether Token Holders Have Not Formed A General Partnership	The Class Allegations Should Be Struck
PoolTogether, Inc.	x	x		x	(not alleged by Plaintiff)	x	(not alleged by Plaintiff)	x
Leighton Cusack	x	x		x	x	x	x	x
Dharma / Ozone	rights reserved	x		x	x	x	(not alleged by Plaintiff)	x
Galaxy / ParaFi / Maven 11	rights reserved	x	x	x	x	x	x	x
Nascent		x	x	x	x	x	x	x
Dragonfly		x		x	x	x	x	x
Compound Labs, Inc.		x		x	x	x	(not alleged by Plaintiff)	x